

LATHAM & WATKINS LLP
Stephen P. Swinton (Bar No. 106398)
steve.swinton@lw.com
Adam A. Welland (Bar No. 228680)
adam.welland@lw.com
12636 High Bluff Drive, Suite 400
San Diego, California 92130-2071
Telephone: (858) 523-5400
Facsimile: (858) 523-5450

Attorneys for Plaintiff,
GEORGIA-PACIFIC CONSUMER PRODUCTS LP

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

GEORGIA-PACIFIC CONSUMER
PRODUCTS LP, a Delaware limited
partnership,

Plaintiff,

v.

LEE'S GENERAL TOYS, INC., a California
corporation, JOHN LEE, an individual; and
DOES 1-100,

Defendants.

CIVIL ACTION NO. 07-CV-02391 JAH POR

**DECLARATION OF ADAM A. WELLAND
IN SUPPORT OF PLAINTIFF GEORGIA-
PACIFIC'S MOTION FOR LEAVE TO
FILE A FIRST AMENDED COMPLAINT**

Date: March 24, 2008
Time: 2:30 p.m.
Ctm: 11
Judge: Hon. John A. Houston

1 I, Adam A. Welland, hereby declare as follows:

2 1. I am an attorney with Latham & Watkins LLP, counsel for Georgia-Pacific
3 Consumer Products LP ("Georgia-Pacific"). I am licensed to practice law in the State of
4 California and admitted before this Court. I submit this declaration in support of Plaintiff
5 Georgia-Pacific's Motion for Leave to File a First Amended Complaint, filed concurrently
6 herewith.

7 2. The facts set forth herein are within my personal knowledge, to which I could and
8 would testify competently if called upon to do so.

9 3. Georgia-Pacific has contacted Defendants on numerous occasions to request
10 Defendants' cooperation through disclosure of the source or sources from which Defendants
11 have received the offending "Angelite" products, the retail establishments or other customers to
12 whom Defendants have distributed these products, information relating to any pending or issued
13 "Angelite" trademarks, and financial records documenting the full extent of Defendants'
14 infringing activities. While Defendants took some steps to respond to Georgia-Pacific's request,
15 by letter dated December 31, 2007, Defendants' initial disclosure contained only the
16 manufacturer and agent in China as well as minimal financial information without any
17 supporting documentation, which was then contradicted by a later disclosure. By letter dated,
18 January 25, 2008, Defendants provided some additional information concerning its suppliers and
19 customers, although these disclosures are minimal. Subsequently, Defendants have also
20 produced several invoices from 2003 and 2007 only.

21 4. Georgia-Pacific, through counsel, has continued to request Defendants' full
22 cooperation in disclosures regarding the sources of the offending "Angelite" products, the
23 Defendants' own distribution network, and related financial information. To date, Defendants
24 have failed to adequately provide the disclosures requested by Georgia-Pacific.

25 5. Despite Defendants' refusal to cooperate with Georgia-Pacific by providing full
26 and complete disclosure of the information requested by Georgia-Pacific, Georgia-Pacific
27 repeatedly has offered to enter a stipulated preliminary injunction with Defendants, while
28 Defendants continue in their efforts to gather the requested disclosures and take other steps to

1 end their infringing conduct. Defendants have refused to enter a stipulated preliminary
2 injunction. To date, no formal discovery has occurred.

3 6. Promptly upon learning of the identities of Defendants' suppliers, Georgia-Pacific
4 prepared its proposed First Amended Complaint.

5 7. On January 31, 2008, I contacted counsel for Defendants, Mr. Ronald Martinetti,
6 to request that Defendants stipulate to its filing. Defendants' counsel declined to stipulate to
7 filing of the First Amended Complaint.

8 I declare under penalty of perjury under the laws of the United States that the foregoing is
9 true and correct and that this declaration was executed by me on this 15th day of February 2008.

10
11 
12 Adam A. Welland
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28